S.B.Civil Writ Petition NO.627/2001
Praveen Sublok
vs
State of Rajasthan & Ors.

DATE OF ORDER : - 24.2.2005

HON'BLE MR. PRAKASH TATIA,J.

Mr. R.S.Saluja]
Mr. P.C.Verma] for the petitioner.
Mr. K.K.Shah]
Mr. P.K.Lohara], for the respondents.

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Heard learned counsel for the parties.

In view of the fact that there is no dispute that petitioner was served with the notice for holding enquiry and petitioner demanded copies of certain documents before the date fixed for filing the reply by the petitioner and the copies of the documents were provided to the petitioner on 25th Sept., 1999 and, thereafter, the petitioner was not given an opportunity to file reply and has not been given opportunity of hearing by the authority concerned, despite the fact that authority itself in its order dated 30th Sept., 1999 took note of the fact that the petitioner submitted application demanding copies of the documents, which were necessary for filing the reply on 23rd Sept., 1999 and he was given copies on 25th Sept., 1999 and the authority passed the order on

the basis of fact that the petitioner did not appear on 24th Sept., 1999, therefore, the allegation of petitioner is that virtually no opportunity of hearing was given to the petitioner. Other points are not very much relevant in this writ petition and writ petition deserves to be allowed on this ground of not giving opportunity to the petitioner before passing the impugned order dated 30th Sept., 1999.

The copy of the communication dated 25th Sept., 1999 sent to the petitioner itself reveals that the General Manager of the Jodhpur Sahakari Upbhokta Wholesale Bhandar Ltd. himself in response to the letter dated 23/24th Sept., 1999 provided copies of the relevant documents to the petitioner on 25th Sept., 1999 and, thereafter, the authority has passed the impugned order only on the ground that petitioner did not appear on 24th Sept., 1999 and ignored the fact that when the copies of the documents were given to the petitioner on 25th Sept., 1999 by the General Manager himself then no purpose would have been served by appearance of petitioner on 24th Sept., 1999, if he did not appear on 24th Sept., 1999. Apart from it, the petitioner did not appear on 24th Sept., 1999 before the General Manager of the respondent is also doubtful because the General Manager himself responded to the petitioner's application for copies by mentioning date of the letter dated 23/24th Sept., 1999.

In view of the above, the writ petition of the petitioner is allowed and the order dated 30th Sept., 1999 passed by the General Manager of the Jodhpur Sahakari Upbhokta Wholesale Bhandar Ltd. is set aside and the matter is remanded to the General Manager of the Jodhpur Sahakari Upbhokta Wholesale Bhandar Ltd. for deciding the matter afresh after giving full opportunity to the petitioner as well as after giving opportunity of filing reply etc in accordance with law including any order which may be consequential to the main order.

(Prakash Tatia), J.

c.p.goyal/-